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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Greg Mercurio

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EXAMINER

CAI, WAYNE HUU

ART UNIT

PAPER NUMBER

2617

NOTIFICATION DATE

DELIVERY MODE

04/13/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

epatent@usiplaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 09/977,112	<b>Applicant(s)</b> MERCURIO, GREG	
	<b>Examiner</b> WAYNE CAI	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20,22,23 and 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20,22,23 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 27, 2009 has been entered.

### ***Response to Arguments***

2. The Examiner notes a few things about his claims interpretation.

"static physical location input information associated with the wireless transceiver" is broadly and reasonably interpreted as an address, an identifier, or information being inputted or entered so that the inputted information represents or identifies the physical location, which is static, of a device. This static physical location information is also associated with the wireless transceiver. The Examiner also notes that even though the "static physical location information" is associated with the wireless transceiver; this "static physical location information" is not necessary identify the wireless transceiver. For example, in a wireless network, each router or device has an address to identify its own physical location. The address of the router/device is also known as static physical location information because this information is not changed

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and it stays the same to identify its physical location. When there is a data packet that needs to be transmitted from point A either directly or indirectly to point B. Point A must locate the address or identifier of point B so that the data packet could be correctly routed to point B, by using a routing table, address translation table, etc. to identify the destination address, which is the static physical location information or address of point B. It is important to note that even though point A associates with point B because there is at least a packet that needs to be transmitted between these two points. The address (static physical location information) is however used to identify point B, and not point A.

Based on the discussion above, the Examiner notes that the Applicant needs to further amend claim language in order to clearly define the invention. That is, if the Applicant intends to claim the "static physical location input information" is used to identify the wireless transceiver device itself, then the Applicant needs to expressly and positively define the claimed features. Based upon the currently amended claim, "static physical location input information associated with the wireless transceiver device" is reasonably interpreted as the physical location information is associated with the wireless transceiver device (e.g., address mapping between point A and point B. This is an association between two points); however, this physical location information is the physical location information/address of different device. In other words, the physical location information/address is not necessarily used to identify the wireless transceiver device.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-17, and 19, 20, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ceniza (US 2002/0186698) in view of Lewis (US 6,259,898).

**Regarding claims 1, 7 and 17**, Ceniza discloses a wireless transceiver device, the wireless transceiver device being arranged to interface with a roaming device, the wireless transceiver device comprising:

computer code stored in said wireless transceiver device, said computer code for causing static physical location input information associated with the wireless transceiver device to be accepted (paragraphs 0046-0047 describes steps of using network address translation (NAT). The address of the source host can be identified. As explained above, the address is the static physical location information and the source and destination is associated with each other as the packet is sent from one end to another end);

a memory arranged to store data, the memory further including an editable field, wherein the computer code for causing the static physical location input information to be accepted causes the static physical location input information to be stored in the editable field (It is important to note that the NAT table is editable as the addresses are flooded and re-created to map routes between two hosts. Also, one skilled in the art

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would recognize that the NAT table must be stored in memory so that it can be used from time to time. Hence, a memory is included.)

Even though Ceniza disclose all features above, Ceniza, however, does not expressly disclose computer code stored in said wireless transceiver device, said computer code for causing a record associated with the roaming device to be generated, the record being arranged to include the static physical location input information stored in the editable field and the data, wherein the computer code for causing the record associated with the roaming device to be generated further causes the record to be stored on the memory; and a processor for executing the computer codes, wherein the memory is further arranged to store the computer codes.

In a similar endeavor, Lewis discloses multi-communication access point. Lewis also discloses:

computer code stored in said wireless transceiver device, said computer code for causing a record associated with the roaming device to be generated, the record being arranged to include the static physical location input information stored in the editable field and the data, wherein the computer code for causing the record associated with the roaming device to be generated further causes the record to be stored on the memory; and a processor for executing the computer codes, wherein the memory is further arranged to store the computer codes (col. 5, lines 9-25, col. 6, lines 13-46 and figure 3 also illustrates the record is generated and stored in a form of a table). The Examiner further notes that “data” as recited in the claims is too broad because it is simply known as nothing else, but information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kabala in view of Lewis.

The motivation/suggestion for doing so would have been to effectively keep the record of the roaming device having access to the network.

**Regarding claims 2, and 8,** Ceniza and Lewis disclose all limitations recited within claims as described above. Lewis further discloses including computer code stored in said wireless transceiver device, said computer code for obtaining the data, wherein the data is obtained when the roaming device is in communication with the wireless transceiver device (fig. 3 shows a table to keep track a record of mobile terminals traversing the transceivers).

**Regarding claims 3-4, and 9-10,** Ceniza and Lewis disclose all limitations recited within claims as described above. Lewis also discloses wherein the computer code for causing the record associated with the roaming device to be generated includes computer code for causing the record associated with the roaming device to be generated when the roaming device registers/deregisters with the wireless transceiver device (i.e., the table as illustrated in figure 3. It is also important to note that this table clearly illustrates the record and the association between the mobile terminal and a particular transceiver. The association between the mobile and a particular transceiver is an indication of the registration with the transceiver device. Also, one skilled in the art would easily modify the teachings of Ceniza and Lewis to keep track of the time the roaming device is de-registered with the transceiver device. Based on the foregoing discussion, the claimed features are not novel).

**Regarding claims 6, 13, and 22**, Ceniza and Lewis disclose all limitations recited within claims as described above. Kabala also discloses the wireless transceiver device is an access point (fig. 1, access points 19), and the first device is a roaming device (fig. 1, mobile terminal 21a-d).

**Regarding claim 11**, Ceniza and Lewis disclose all limitations recited within claims as described above. Ceniza also discloses wherein the input information is a physical location associated with the wireless transceiver device (i.e., the address indicates the location of any particular device).

**Regarding claim 12**, Ceniza and Lewis disclose all limitations recited within claims as described above. Even though the combination of Ceniza and Lewis do not expressly disclose wherein the location includes at least one of a longitude, a latitude, and an altitude associated with the transceiver device because it indicates the geographical location of the transceiver device. However, Ceniza does teach or suggest the location include an address, which also indicate the geographical location of the transceiver device. Therefore, it would be obvious and/or it would be easy for one skilled in the art to modify the teachings of Ceniza and Lewis and arrive at the present invention with the idea of having the location includes at least one of a longitude, a latitude, and an altitude associated with the transceiver device because it indicates the geographical location of the transceiver device. The motivation/suggestion for doing so would have been to use different value and method to describe the geographical location of the transceiver device.



**Regarding claim 14**, Ceniza and Lewis disclose all limitations recited within claims as described above. Lewis also discloses wherein the access point is a part of a wireless local area network, the transceiver device further including: means for obtaining the data from the first device when the first device is in communication with the transceiver device to access the wireless local area network (col. 4, lines 39-46 describes a record maintains how various mobile terminals registers to access points 19 corresponds to and serviced by multiple transceivers included in the access points).

**Regarding claim 15**, Ceniza and Lewis disclose all limitations recited within claims as described above. Kabala also discloses wherein the means for generating the record associated with the first device includes means for placing the data obtained from the first device in the record and means for placing the input information stored in the editable field in the record (fig. 4 & 5 and its descriptions. This claim describes a table that keep a record (e.g., address) of the devices).

**Regarding claim 16**, Ceniza and Lewis disclose all limitations recited within claims as described above. Ceniza also discloses wherein the means for generating the record further includes means for obtaining the input information from the editable field (figs. 4 and 5).

**Regarding claim 19**, Ceniza and Lewis disclose all limitations recited within claims as described above. Lewis further discloses wherein the record is created after the indication that the roaming device is within the communications range is received (the table as illustrated in figure 3 clearly indicates that it only keep a record of which mobile terminal is in contact or in range of the received access points).

**Regarding claim 20**, Ceniza and Lewis disclose all limitations recited within claims as described above. Lewis also discloses wherein adding the static information into the record includes reading the static information from the editable field (fig. 3 and its descriptions).

**Regarding claim 23**, Ceniza and Lewis disclose all limitations recited within claims as described above. Lewis also discloses obtaining the information associated with the roaming device when the indication that the roaming device is within the communications range is received (fig. 3 includes information collected when mobile terminal is within range of access points).

5. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ceniza (US 2002/0186698) in view of Lewis (US 6,259,898) and further in view of Raviv et al. (hereinafter "Raviv", US 2002/0164983).

**Regarding claim 29**, the features recited within this claim are similarly recited in claim 1. Therefore, the Examiner rejects this claim at least for the same reasons set forth in claim 1. In addition, the combination of Ceniza and Lewis do not disclose performing a remote authentication.

In a similar endeavor, Raviv discloses a method and apparatus for supporting cellular data communication to roaming mobile telephony devices. Raviv also discloses wherein registering the roaming device includes performing a remote authentication (paragraph 0254).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Lewis in view of Raviv.

The motivation/suggestion for doing so would have been to effectively verify and provide services to the roaming devices.

6. Claims 5, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ceniza (US 2002/0186698) in view of Lewis (US 6,259,898), as applied to claims 1 and 17 above and further in view of Nishino (US 6,233,452 B1).

**Regarding claims 5, and 18**, Ceniza and Lewis disclose all limitations recited within claims as described above, but do not specifically disclose features of these claims.

In a similar endeavor, Nishino discloses a wireless information processing terminal and controlling method. Nishino also discloses wherein the static location input information is a location associated with the wireless transceiver device, and the computer code for causing the static location input information to be accepted include computer code for causing the static location input information to be accepted from a source that is external to the wireless transceiver device (fig. 5, boxes S212 & S214 and its descriptions).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the step of accepting static input from a source

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that is external to the wireless transceiver device because it is an alternative option to input information.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Johnston (US 2002/0151270) describes a method of programming wireless broadcast equipment.

B. Batsell et al. (hereinafter "Batsell", US 2002/0145978).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WAYNE CAI whose telephone number is (571)272-7798. The examiner can normally be reached on Monday-Thursday from 8:00 a.m. to 6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wayne Cai/  
Examiner, Art Unit 2617

/Patrick N. Edouard/  
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